

Ex. Mail Label No. EV33412Z8395US

|   |  |                           |                       |
|---|--|---------------------------|-----------------------|
| <b>DECLARATION AND POWER<br/>OF ATTORNEY FOR UTILITY<br/>OR DESIGN<br/>PATENT APPLICATION</b> |  | Attorney Docket No.       | MIT-094CP2 (5473/101) |
|   |  | First Named Inventor      | Lyle G. Shirley       |
| <b>COMPLETE IF KNOWN</b>  |  |                           |                       |
|   |  | Application Serial Number | 09/480,043            |
|   |  | Filing Date               | January 10, 2000      |
|   |  | Group Art Unit            | 2877                  |
|   |  | Examiner Name             | Not yet assigned      |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Apparatus and Methods For Surface Contour Measurement

*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on January 10, 2000 as United States Application Serial Number or PCT International (MM/DD/YYYY)

Application Number 09/480,043 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? YES | Certified Copy Attached? NO |
|-------------------------------------|---------|----------------------------------|--------------------------|------------------------------|-----------------------------|
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>    |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>    |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>    |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>    |

Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Serial Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto. |
|------------------------------|--------------------------|--|
|                              |                          |  |

## Declaration and Power of Attorney for Utility or Design Patent Application

Serial No.:

Page 2 of 3

**DECLARATION – Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent Serial Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number<br><i>(if applicable)</i> |
|---|---------------------------------|--|
| 09/241,354  | 2/2/99                          | 6,031,612                                      |
| 08/600,216  | 2/12/96                         | 5,870,191                                      |

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:  Customer Number

OR  
 Registered practitioner(s) name/registration number listed below

Place Customer Number Bar Code Label Here

| Name                   | Registration Number | Name                  | Registration Number |
|------------------------|---------------------|-----------------------|---------------------|
| Steven M. Bauer        | 31,481              | Thomas C. Meyers      | 36,989              |
| John V. Bianco         | 36,748              | Joseph B. Milstein    | 42,897              |
| Isabelle A.S. Blundell | 43,321              | David G. Miranda      | 42,898              |
| Maureen A. Bresnahan   | 44,559              | Ronda P. Moore        | 44,244              |
| Michael H. Brodowski   | 41,640              | Edmund R. Pitcher     | 27,829              |
| Jennifer A. Camacho    | 43,526              | Dianne M. Rees        | 45,281              |
| Joseph A. Capraro, Jr. | 36,471              | Michael A. Rodriguez  | 41,274              |
| John J. Cotter         | 38,116              | Jamie H. Rose         | 45,054              |
| John V. Forcier        | 42,545              | R. Stephen Rosenholm  | 45,283              |
| Michael J. Giannetta   | 42,574              | Christopher W. Stamos | 35,370              |
| Duncan A. Greenhalgh   | 38,678              | Joseph P. Sullivan    | 45,349              |
| William G. Guerin      | 41,047              | Robert J. Tosti       | 35,393              |
| Jonathan A. Harris     | 44,744              | Thomas A. Turano      | 35,722              |
| Ira V. Heffan          | 41,059              | Michael J. Twomey     | 38,349              |
| Danielle L. Herritt    | 43,670              | Christine C. Vito     | 39,061              |
| Mi Kim                 | 44,830              | Patrick R.H. Waller   | 41,418              |
| Douglas J. Kline       | 35,574              | Daniel A. Wilson      | 45,508              |
| John D. Lanza          | 40,060              | Yin P. Zhang          | 44,372              |
| Timothy P. Linkkila    | 40,702              |                       |                     |
| Kurt W. Lockwood       | 40,704              |                       |                     |

Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

Patent Administrator  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

## Declaration and Power of Attorney for Utility or Design Patent Application

Serial No.

Atty. Docket No.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|  |                     |   |       |                        |         |       |             |     |
|--|---------------------|---|-------|------------------------|---------|-------|-------------|-----|
| <b>Name of Sole or First Inventor:</b>   |                     | <input type="checkbox"/> A petition has been filed for this unsigned inventor |       |                        |         |       |             |     |
| Given Name (first and middle [if any])   |                     |   |       | Family Name or Surname |         |       |             |     |
| Lyle   |                     |   |       | Shirley                |         |       |             |     |
| Inventor's Signature   | <i>Lyle Shirley</i> |   |       |                        |         | Date  | 7/11/00     |     |
| Residence  | 105 Flagg Hill Road |   |       |                        |         |       |             |     |
|  | City                | Boxboro   | State | MA                     | Country | USA   | Citizenship | USA |
| Post Office Address  | 105 Flagg Hill Road |   |       |                        |         |       |             |     |
| P.O. Address (line 2)  | City                | Boxboro   | State | MA                     | ZIP     | 01719 | Country     | USA |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto. |                     |   |       |                        |         |       |             |     |
| <b>Name of Additional Joint Inventor, if any:</b>  |                     | <input type="checkbox"/> A petition has been filed for this unsigned inventor |       |                        |         |       |             |     |
| Given Name (first and middle [if any])   |                     |   |       | Family Name or Surname |         |       |             |     |
|  |                     |   |       |                        |         |       |             |     |
| Inventor's Signature   |                     |   |       |                        |         | Date  |             |     |
| Residence  | City                |   | State |                        | Country |       | Citizenship |     |
| Post Office Address  |                     |   |       |                        |         |       |             |     |
| P.O. Address (line 2)  | City                |   | State |                        | ZIP     |       | Country     |     |
| <b>Name of Additional Joint Inventor, if any:</b>  |                     | <input type="checkbox"/> A petition has been filed for this unsigned inventor |       |                        |         |       |             |     |
| Given Name (first and middle [if any])   |                     |   |       | Family Name or Surname |         |       |             |     |
|  |                     |   |       |                        |         |       |             |     |
| Inventor's Signature   |                     |   |       |                        |         | Date  |             |     |
| Residence  | City                |   | State |                        | Country |       | Citizenship |     |
| Post Office Address  |                     |   |       |                        |         |       |             |     |
| P.O. Address (line 2)  | City                |   | State |                        | ZIP     |       | Country     |     |

GIANNETT\5473\101.1005642\_1

PATENT  
 Attorney Docket No. MIT-094CP2CN  
 (5473/101)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Shirley  
 SERIAL NO.: Not Yet Assigned GROUP NO.: Not Yet Assigned  
 FILING DATE: Herewith EXAMINER: Not Yet Assigned  
 TITLE: APPARATUS AND METHODS FOR SURFACE CONTOUR  
 MEASUREMENT

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

Sir:

An associate power of attorney is hereby granted to:

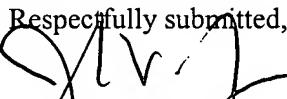
| NAME                 | REG. NO. |
|----------------------|----------|
| James E. Fajkowski   | 54,089   |
| James C. DeVellis    | 52,814   |
| Jason P. Fiorillo    | 52,892   |
| Edward A. Gordon     | 54,130   |
| William R. Haulbrook | 53,002   |
| M. Brad Lawrence     | 47,210   |
|                      |          |

in connection with the above-identified patent application.

Please continue to direct all correspondence relating to the above application to:

Patent Administrator  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110

Respectfully submitted,




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John V. Forcier  
 Attorney for Applicant  
 Testa, Hurwitz, & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, Massachusetts 02110

Date: November 25, 2003  
 Reg. No. 42,545

Tel. No.: (617) 248-7675  
 Fax No.: (617) 248-7100

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